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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,732	09/23/2003	Nandhu Kumar	024777.0129PTUS	2470

7590
IP Department
Patton Boggs, LLP
Suite 3000
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Dallas, TX 75201

EXAMINER

CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/668,732	Applicant(s) KUMAR, NANDHU	
	Examiner PHILIP J. CHEA	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 42-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 42-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is in response to an Amendment filed December 31, 2007. Claims 1-34,42-46 are currently pending, of which claims 44-46 are new. Any rejection not set forth below has been overcome by the current Amendment.

Claim Objections

1. Claims 26-34,42-46 are objected to because of the following informalities: As per claims 26-27, and 44-46 it is not clear if the steps following the phrase "operable to" are intended to be performed. The Examiner suggests removing the "operable to" language and positively reciting the steps that are to be performed. Appropriate correction is required. Any claim not specifically mentioned is objected to by virtue of being dependent on a rejected claim.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-15,26-34,42-44,46, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. The system of claims 1-15,26-34,42-44,46 are rejected as being software per se.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2153

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2,7-16,18-21,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Williamson et al. (US 6,915,519), herein referred to as Williamson.

As per claims 1,16, Williamson discloses a system for message service, as claimed, comprising:
a business component utilizing messages (see column 6, lines 35-41 and column 7, lines 36-38, *describing an enterprise platform (i.e. business component) utilizing JMS (i.e. messages)*);

a first queue to manage message services, the first queue employing an architecture other than a publication/subscription type notification (see column 4, lines 3-6, *describing how queues are used to hold messages* and column 7, lines 15-20, *showing how the architecture is other than a publication/subscription type notification that is supported by the application server, which is why the application has to cast it as the appropriate JMS resource type*);

a wrapper to enable the first queue to operate a publication/subscription notification type of architecture (see column 7, lines 15-20, *where the application casts it (i.e. provides a wrapper) as the appropriate JMS resource type and then begins to use the resource by establishing a connection to it, thereby enabling the first queue to operate using the publication/subscription notification type*); and

a connector in communication with the first queue via the wrapper, the connector further in communication with the business component, the connector receiving messages from the first queue via the wrapper and sending the messages being received from the first queue via the wrapper to the business component (see column 7, lines 15-20, *describing establishing a connection using Java API (i.e. a connector) that is in communication with the cast (i.e. wrapper) JMS resource type and the messages being received from the first queue as a cast JMS resource to the business component (i.e. the enterprise platform the application server runs on)*).

As per claim 2, Williamson further discloses a second queue to manage the message services, the second queue employing the publication/subscription notification type of architecture and wherein the

Art Unit: 2153

connector communicates with the second queue to communicate the messages from the second queue to the business component (see column 4, lines 3-6, *showing that queues are used to hold messages for producing and consuming*, and column 7, lines 36-51, *showing that the wrappers are queued for use during messaging when a JMS resource type is needed*).

As per claim 7, Williamson further discloses that the connector is further operable to communicate the messages from the business component to at least one of the first and second queues (see column 4, lines 3-6).

As per claim 8, Williamson further discloses that the second queue is further defined as a Java Message Service (JMS) queue (see column 7, lines 15-20).

As per claim 9, Williamson further discloses that the JMS queue receives messages from a file (see column 7, lines 39-47).

As per claim 10, Williamson further discloses that the JMS queue receives messages from a Universal Resource Identifiers (URI) remotely (see column 7, lines 39-47).

As per claim 11, Williamson further discloses that the wrapper is further defined as a JMS enabled wrapper (see column 7, lines 15-20).

As per claim 12, Williamson further discloses that the second queue is further defined as JMS standards application programming interface (API) operable for inter-client communication (see column 7, lines 15-20).

As per claim 13, Williamson further discloses wherein the publication/subscription notification type of architecture of the first enabled by the wrapper facilitates the connector registering with the first queue, via the wrapper, and with the second queue such that when at least one of the first and second queues receive messages for the connector, the at least one of the first and second queues notify the connector (see column 7, lines 15-20, *showing how the wrapper allows the message to be cast as the appropriate JMS type and a communication is established to use the resource via Java API, indicating a registering with the connector (i.e. the connection is established)*).

As per claim 14, Williamson further discloses that the connector is further defined as a JMS enabled connector (see column 7, lines 15-20).

Art Unit: 2153

As per claim 15, Williamson further discloses that the connector is operable to register with the wrapper of the first queue as a JMS client (see column 3, lines 50-53).

As per claim 18, Williamson further discloses that the message queue consumes the message (see column 4, lines 3-6, *where a message consumer has a queue to hold the message implying consuming the message*).

As per claim 19, Williamson further discloses that the connector consumes the message (see column 7, lines 15-20).

As per claim 20, Williamson further discloses transforming the message (see column 7, lines 15-20, *wherein when the application casts it as the appropriate JMS resource type is considered transforming*).

As per claim 21, Williamson further discloses that transforming the message includes parsing the message and communicating at least a portion of a data portion of the message to the business component (see column 7, lines 12-20, *where a lookup is considered parsing*).

As per claim 23, Williamson further discloses that access to the message queue via the connector to the business component includes selectively identifying the message by a portion of the message (see column 8, lines 5-10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6, 17, 22, 24-34, 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson et al. (US 6,915,519), herein referred to as Williamson, and further in view of Wookey (US 2004/0230982).

Art Unit: 2153

As per claim 26, Williamson discloses a system of a queue connector to promote message services comprising:

a first component to communicate messages with a publication/subscription notification type queue (see column 4, lines 3-6);

a second component to communicate messages with a notification type queue other than the publication/subscription type queue by registering with a wrapper of the publication/subscription notification type queue (see column 7, lines 15-20, *showing how the architecture is other than a publication/subscription type notification that is supported by the application server, which is why the application has to cast it as the appropriate JMS resource type*);

a business component interface to communicate with business components (see column 6, lines 35-41 and column 7, lines 36-38).

Although the system disclosed by Williamson shows substantial features of the claimed invention (discussed above), it fails to disclose a transaction component operable to verify that messages from one of the queues are received by the business components before the messages are consumed, the transaction component deleting a message from one of the queues upon verification of receipt of the message by the business components from the queue from which the message originated.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Williamson, as evidenced by Wookey.

In an analogous art, Wookey discloses a system for assembling business processes using intellectual capital processing, where processing engine can subscribe to a number of datatypes and are capable of publishing a datatype (see Abstract). Wookey further discloses a transaction component operable to verify that messages from one of the queues are received by the business components before the messages are consumed, the transaction component deleting a message from one of the queues upon verification of receipt of the message by the business components from the queue from which the message originated (see paragraph 142, *showing that published data is maintained in a message queue in the message queue database until each of its subscribing clients acknowledge reception of the data, at which point it is deleted from the queue*).

Art Unit: 2153

Given the teaching of Wookey, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Williamson by employing a deletion of messages from the queue, such as disclosed by Wookey, in order to remove data from the queue that has already been acknowledged to make room for new data.

As per claim 4, Williamson in view of Wookey do not expressly disclose that the address identifying the location of at least one of the messages of the first queue is on a socket connection. However, Williamson discloses that a TCP/IP connection is used (see column 4, lines 38-45). It is obvious that a socket is open for the communication of TCP/IP packets during a communication session with a JMS client.

As per claim 5, Wookey further discloses that the address identifying the location of at least one of the messages of the first queue is on a port connection (see paragraph 269, *where port connection is considered URL*).

As per claim 17, Wookey further discloses that the connector verifies that the business component has received the message before the message is consumed from the message queue (see paragraph 142).

As per claim 22, Wookey further discloses verifying that the business component received the message includes communicating with the message queue regarding a rate of delivery of the message to the business component (see paragraph 272).

As per claim 24, Wookey further discloses prioritizing the message (see paragraph 270); transforming the message (see paragraph 72); and consuming the message (see paragraph 124).

As per claims 6,25, Williamson in view of Wookey further discloses providing a second queue utilizing a polling notification type architecture (see Williamson column 8, lines 21-25);

providing a wrapper enabling a publication/subscription notification architecture by the second queue (see Williamson column 7, lines 15-20); and

registering the connector with the second queue enabling the publication/subscription notification architecture of the wrapper (see Wookey paragraph 165).

Art Unit: 2153

As per claim 27, Wookey further discloses a logging component to record information related to the messages including a record of at least some of a message communicated between one of the publication/subscription notification type queue and the notification type queue other than the publication/subscription type queue and the business component (see paragraph 266).

As per claim 28, Wookey further discloses that the record includes a date and time associated with each of the messages (see paragraph 268).

As per claim 29, Wookey further discloses that the record includes a tracekey associated with each of the messages (see paragraph 271).

As per claim 30, Wookey further discloses that the tracekey includes information related to the message (see paragraph 271).

As per claims 3,31, Wookey further discloses that the information included with the tracekey includes a location of the message [in a file] (see paragraph 269, *where URL is an address to location of a file*).

As per claim 32, Wookey further discloses that the information included with the tracekey includes an origin of the message (see paragraph 271).

As per claim 33, Wookey further discloses that the information included with the tracekey includes a type of the message (see paragraph 270).

As per claim 34, Wookey further discloses that the information included with the tracekey includes a size of the message (see paragraph 270).

As per claim 43, Williamson further discloses that the notification type queue is an MQ series queue (see column 8, lines 21-25).

As per claim 44, Williamson further discloses that the wrapper is operable to query the first queue to determine if a new message has been received by the first queue (see column 5, lines 12-20).

As per claim 45, Wookey further discloses that the wrapper is operable to query the second queue to determine if a new message has been received by the first queue (see paragraph 175).

Art Unit: 2153

As per claim 46, Wookey further discloses that the wrapper is operable to query the second component to determine if a new message has been received by the second component (see paragraph 175).

7. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williamson in view of Wookey as applied to claim 26 above, and further in view of Applicants Admitted Prior Art (AAPA).

Although the system disclosed by Williamson in view of Wookey shows substantial features of the claimed invention (discussed above), it fails to disclose that the first component is a Vitria businessware component.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Williamson in view of Wookey, as evidenced by AAPA.

In an analogous art, AAPA discloses the old and well known use of the Vitria businessware component used by the IBM MQ SERIES messaging technique.

Given the teaching of AAPA, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Williamson in view of Wookey by employing a Vitria businessware component, such as disclosed by AAPA, in order to be compatible with well known messaging systems such as the IBM MQSeries messaging service.

Response to Arguments

8. Applicant's arguments with respect to claims 1-34,42-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

Art Unit: 2153

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/
Supervisory Patent Examiner, Art Unit 2153

Philip J Chea
Examiner
Art Unit 2153

PJC 4/22/08